

A Review of the Fisheries Treaties Enacted Between This Country and England.

By Capt. Sylvanus Smith.

AT the close of the War of Independence, a part of the treaty which was made at that time, defined the rights of the fishermen, of the United States along the shores of the British Provinces. This treaty gave the fishermen of our country rights in common with the natives of the Provinces, to fish along the shores, in the Bays and Coves, also the right to use the land upon which to dry nets, to cure fish, etc., until the land should become settled, and then we must secure the permission of the owners, (which was just and proper.)

In the early days the fisheries were not pursued largely in those distant waters, the home fishing grounds attracted the greater number of New England fishermen.

After the war of 1812 the British government contended that our former rights ended with the war, and a commission met at Ghent to adjust this and other matters. John Quincy Adams being our representative, and his home being practically among the fishermen, we owe much to his understanding of the best interests of the New England industry.

In the agreement which was reached by this commission, the New England fishermen were left a right to pursue their calling on the Newfoundland Coast, from the Ramea Islands, north along the coast of Labrador and the Magdalen Islands, having equal rights with the native fishermen. It is well to note how this worked out.

Although we had "rights in common" with their fishermen, by the enactment of "local laws" (prohibiting certain form of fishing, usually those in vogue with us), we were practically denied the rights given us by the treaty, at least that is what it amounted to.

When the mackerel fishery began to be pursued, the shores of Nova Scotia, particularly that part covered by the treaty, were a favorite fishing ground for our vessels. This fishery was much different than the cod, being often pursued near the shores and in to the bays and coves, while the cod fishery drew the vessels to the Banks, and into deeper water.

The mackerel fishermen, coming into closer contact with the native fishermen, while well within their treaty rights, often had their vessels seized for some technical violation of the law, seldom for fishing. These seizures were not made in justice, except in widely separate cases perhaps, but to annoy us, with the hope that they might gain Reciprocity with the United States, which they had eagerly sought and to find a market for their various products, to which, very naturally, the New England fisheries were greatly opposed.

In a treaty, which became operative in 1855, the United States was given

certain rights to the fisheries along the Nova Scotia Coast, while allowing the Canadians certain benefits in our market, but this treaty was terminated by our government in 1867, we having given the two years notice, as necessary, previous to its expiration. The Provinces received a remission of duties amounting to \$4,200,000 for the twelve years use of their fishery privilege. (If any reader will trouble himself to read "Twenty Years in Congress," by James G. Blaine, they will be easily satisfied that this value was greatly exaggerated.)

Provinces Disappointed at Treaty Termination.

The termination of this treaty was a great disappointment to the Provinces, which had greatly profited during the twelve years, and they were eager for its continuance. Beginning with the abrogation of this treaty by our government, the New England fishing vessels, pursuing their calling in Provincial waters, were seized upon the slightest pretext, in the hope of driving us into a renewal of the Reciprocal arrangement of 1855.

I was fishing in those waters at the time and recall many unjust seizures made upon the smallest technical charges imaginable to annoy and coerce us, and these seizures became so frequent that our Congress voted the

president authority to declare non-intercourse with the Provinces. It would certainly seem that we were being wronged, to lead our Congress to take such a drastic step.

The Alabama Claims, with which everyone is familiar were making strained relations between the two countries, and Mr. Chamberlain the English minister at Washington suggested that a commission meet at Geneva, Switzerland, to settle the matter. Mr. Chamberlain also suggested that the Treaty of 1855 be re-instated, and that a commission be appointed which would meet at Halifax to settle what amount, if any, we shall pay them for the fishery privilege.

It is worthy of note that English diplomacy had suggested the meeting place of the commission upon their home grounds.

As a result of this suggestion, the treaty directed that one of the commissions should be appointed by Her Britannic Majesty, one by the president of the United States, and the third member by both conjointly. Here the reader should note the subtle diplomacy of England—"if they could not agree upon the third, within a period of three months after the article should take effect, then"—(Refer to James G. Blaine's "Twenty Years of Congress") Whether by design of England or otherwise, the third member of the Commission was not agreed upon in the three months specified.

Note.—Mr. Fish, then secretary of state, very caustically wrote that, "the efforts of this government to carry into execution the provisions of the article had hitherto failed from no fault or negligence on its (the United States') part"; so we may be left to use our own judgment as to whether or not it was arranged purposely on the part of England.

Space does not permit the going deeply into the whys and wherefores, but Mr. Maurice Delfosse, Belgian Minister to Washington, was finally named as the third commissioner, (by the Austrian Ambassador at London). It may be well to add that earlier in the negotiations, the same gentleman had been proposed, and his name was rejected by us.

Quoting Blaine, in his "Twenty Years of Congress," the record of this case, as shown by the official correspondence, is not creditable to the English government. The United States made a strong protest against this appointment, but Mr. Delfosse acted as the third member of the commission.

Secretary of State Would Not Hear Gloucester Men.

The Gloucester Board of Trade sent a committee to Washington, to confer with the state department, and to furnish them with such information as we had concerning the fisheries.

I was appointed on that committee, but for some reason, perhaps believing myself insufficiently versed in statescraft to represent our interests, did not go. Benjamin H. Corliss and William Parsons, the other two members of the committee, did go out, however, and Mr. Fish, then Secretary of State, refused to see them, remarking "that he did not wish to hear any fish stories." Senator Wilson met them very coolly, and said they might leave any papers bearing on the matter. The committee returned home greatly disappointed, and referring to Senator Wilson, Mr. Corliss alluded to him as "that shoemaker." I think that this is the only time a committee representing the fisheries has ever met with an absolute failure to present their case, except on the occasion when we went out to interview President Taft.

As a result of the Commission meeting in Halifax, we again purchased fishing privileges, paying the sum of \$5,500,000, which, in addition to the \$4,200,000 already paid in remission of duties (previously mentioned) made a total of \$9,700,000, and what did we receive in return?

The old style of catching mackerel (by hook and line) had changed to "seining," and our fishing fleet pursued their calling along our own shores, very few of our crafts going to the "Bay," as in former years.

We had purchased, as seen, paying \$9,700,000, the right to fish in any waters of the Provinces, but we were not allowed to exercise that right in many cases.

At Fortune Bay the series of fishermen were destroyed and the but one of many cases. Our vessels were prevented from taking bait. What benefits did we derive from payment of the \$9,700,000? I ask the same question, reader, I know none.

There is a possibility that I have saved some of our vessels from seizure, although they still continue to take our crafts upon the flimsy, technical charges. A vessel lying near the land, at anchor, the captain absent, a boy unthinkingly put a line over the side to catch or other fish, the craft was immediately seized. While in harbor at Provincetown, one of the crew of an American vessel sat mending his nets perhaps it was a trawl and this excuse enough for the authorities to seize the craft. These were but a few of many cases of like happenings, which oldtimers will remember and which, at this time, come to mind.

Treaties With Newfoundland.

The Blaine-Bond Treaty, between Newfoundland and the United States was ratified by our Senate. This arrangement provided for the admission of their fish products, excepting cod fish, to the markets of the United States, while our fishermen have the right to take bait, or chase supplies, while at Newfoundland. To this agreement the other Provinces and the home Government objected and the treaty was defeated by the Senate.

The Hay-Bond Treaty, which was later proposed by them, was also objectionable to the fishery interests, it was never acted upon by the Senate. Then the so-called "Taft Reciprocity" Treaty was proposed by the great President.

By threats to members of the republican party, in Congress, he got some of them to support his Treaty, and with the aid of the Democrats the measure passed both House and Senate, and went to the United States Parliament for their approval. Taft, in one of his speeches, extolling the Treaty, said that it would have the effect of drawing the two countries nearer together, which was construed by them to mean that we were eventually to be one nation.

Then Champ Clark said some about annexation, in a more or less humorous strain, and following on this, a New York Congressman proposed an annexation amendment added to the bill.

Some few of our newspapers, out with headlines, which were exaggerated by the Canadian press, until the whole Dominion was uprooted, and across the water the British Lion thrashed his tail. When the wires flashed the news, the lesser lions, (Canada's Provinces), echoed the refrain, and defeated the measure.

The Present Situation.

The Reciprocity measure, which years they had been working for which they were even willing to give something, strange but true, a small sense, they defeated. Later events proved, worked to their benefit for by waiting a time for the advent of a Democratic administration, they obtained the benefits of the former, pro-treaty, without giving anything in return.

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The Canadians have the right, under the present order of things, to bring their fish into our ports, free, and if one of our fishing crafts should wish to land their supply at a Provincial port, to be shipped home to Gloucester, they would be obliged to pay duty on them in Canada, even if the fish were to be shipped immediately upon landing. Their fish comes to our market free of duty while we would be obliged to pay duty on any sent to their markets.

While we can commend our Congress in its desire to cheapen the cost of living to the millions of Americans within the United States, hardly seems possible and certainly not probable that a sacrifice of our industries will serve that end, for with the destruction of our industries, the laborer, the small merchant and the capitalist, all must go down together.

In our particular industry, the fisheries we have had an opportunity to note how "free fish" works, in cheapening the cost of living. In spite of the fact that the duty has been removed, we are as yet, unable to procure fish from the Provinces any cheaper than previously. It must be supposed that the Canadians, who had previously been competing with us, in these markets had been paying the duties and not the people who actually ate the fish as our Democratic friends would have us believe. If they were correct in their argument, if the consumer was paying the duty, when a duty was imposed, who then saving it now, when the duty has been removed, and the cost remains the same? This will stagger the most able of their orators.

It may not be generally known what became of the \$5,500,000, which we paid for "certain fishery rights" along the coast of the Provinces. This money was set aside by England, the interest of which was to be paid to the Provincial fishermen as bounty forever, and this money came from us, was money for which we received no value, but still it is used for the benefit of our competitors, the Canadian fishermen.

Then besides this bounty money they receive remission of duties, which amounts yearly to approximately \$750,000.

It would seem that at least the New England Fisheries were sacrificed in the existing trade relations. Wouldn't it seem so to you, reader?

Under the treaty of 1818 which is the only one now in operation which gives us any privileges, we are supposed to have the right to enter Canadian ports for shelter, to repair damages, and to procure wood and water.

To be able to purchase supplies, other than wood and water, a vessel must either have special permission from Ottawa or take out a "License" which means a payment of \$1.50 per ton vessel tonnage.

Should a craft put into a Provincial port in a leaking condition, an American craft, they interpret the treaty to mean, that we have no right to haul on a ship railway to repair; nor could we purchase sails, should a craft find herself in great need, through having hers destroyed. If a vessel was swept by a heavy sea, her masts smashed and carried away and her gone, etc., and came limping into a Canadian port, she would be un-

able to secure such repairs as would enable her to continue the voyage unless first procuring a license or gaining permission from Ottawa.

A vessel may procure water, but ice would be refused them; that is, she is liable to seizure should she purchase ice, if she had no special permission, or had no license. Wood might be procured, but not coal.

I saw in a recent issue of the Times that one of our fishing vessels was driven from the harbor of Shelburne, though having sought shelter and having been lying there but a few hours.

Even the right to take out a license, to enable us to purchase supplies, they claim the right to deny us at any time.

Would it not seem that with a free entry of their goods to our markets that they would give us a fair and just interpretation of our treaty rights, and with it some concessions for the privilege they enjoy?

SYLVANUS SMITH.

DAVIS ASKS GRANGERS HELP

Implacable Foe of Dogfish Wants Johnson Bill Adverse Report Rescinded.

Another move is to be taken by the supporters of the "dogfish bounty" policy and against the policy of the U. S. bureau of fisheries, says the Portland Press. Charles E. Davis, who has been such an implacable foe of the dogfish, has prepared a petition which is to be circulated in the stores of the city and also among the grangers of the state. The petition follows: "Petition to President Wilson, Senator Johnson of Maine, the bureau of agriculture and the chairman of the Senate fisheries committee at Washington, D. C.

We the undersigned citizens of the State of Maine do hereby most respectfully solicit you to exert your potent good offices to rescind the "adverse report" of the bureau of fisheries on the passage of the "Johnson bill." The said "adverse report," under the order of legislative procedure in Congress makes it impossible therefore to save our valuable national sea and shore fisheries from being destroyed by billions of dogfish, and other shark species; unless the said adverse report" be so rescinded or an investigation be held by Congress, at which it may be shown that the policy of said bureau is actually destroying, instead of conserving our fisheries.

Nor is this all, for if the Johnson bill fails to pass this session of Congress and goes over to next session of Congress our valuable fisheries must in that case be abandoned to be devoured by dogfish and all other species of food fish-eating sharks for a period of three years. Since this bureau of fisheries will not accept the responsibility for the damage done to our national fisheries because of its "adverse reports," making it impossible to pass the Johnson bill this session of Con-

gress; consequently, we, the petitioners, hope that you will take immediate steps to have the Johnson bill speedily passed by Congress before it is too late to save our fisheries by legislation.

If this bureau is to so prevent the passage of said bill then our farmers will be denied this shark fertilizer at gross cost of production or at \$10 per ton or less assaying 10 per cent. to 12 per cent. nitrogen and 6 per cent. to 8 per cent. bone phosphate at the Nova Scotia reduction works similar to, but less efficient than those provided for in the Johnson bill. The people will lose the food fish to eat, and the fishermen will be driven from the fishing industry from Eastport, Maine, to Cape Hatteras; in fact, everybody will eventually suffer from the destruction of our food fisheries by the bureau of fisheries preventing the passage of the Johnson bill in this 1914 session of Congress and for the above valid and sufficient reasons.

We, the petitioners respectfully submit in addition to the above, that if the said investigations be made through your good offices in order to rescind the above adverse report that you will be absolutely satisfied that the said bureau of fisheries have as long ago as 1907 themselves incontrovertibly, that said sharks have been and now are devouring our national sea fisheries report is No. 622, date 1907.

How the Dividends are To Be Declared.

From said report it may be easily deduced that each 1,000,000 of said dogfish will probably devour in one year over \$1,000,000,000 in sea food values based on fish market prices and future potential breeding values of about all varieties of standard food fish, including lobsters devoured by said dogfish. Each of the 25 to 100 of said reduction works called for in the Johnson bill are to have a reduction capacity of 50 tons per day and will, it is estimated, cost less than \$25,000 each.

Each of said works will have a capacity of reducing 1,000,000 of said dogfish in about 60 days.

Each said works will have a capacity of preventing the destruction of over \$100,000,000 in sea food values which credited to the saving of national sea food values, would cover the cost of establishing about 4000 of said works. Each of said works will also have the capacity to prevent the breeding of 5,000,000 to 50,000,000 more of said dogfish per annum.

Bounty or purchase price about \$20,000 to \$25,000 per million, of said dogfish at \$8 per ton at 2 cents each (estimated).

Good Codfishery.

The portia reports the best codfishery on the South West Coast for years, especially at Rose Blanche and Channel. Going west one day 120 skiffs with a capacity of 100 quintals each were counted doing good work off Rose Blanche. They have plenty of bait now which was badly required and as there was a spurt of good weather on when the ship went west big fares were taken. Some men at Channel made as high as \$22 daily. On the return voyage stormy weather prevailed and the fishermen were thus impeded in their work.—St. John's, N. F. Herald.

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BIG CRAFT FOR GILL NETTING

Str. James M. Clifford, the latest addition to the local gill netting fleet, and by far the largest arrived here from Stonington, Connecticut, yesterday afternoon. The steamer is owned by Capt. George E. Allison and is to be used in off-shore gill netting. She will be commanded by Captain Bradford Murray now of the Nomad. The steamer is used in the summer for porgie fishing, and at the end of the local gill netting season will return to her home port to resume fishing. She is now laying at the Gloucester Coal Company's wharf.

The Gifford was here two seasons ago, engaging in pollock seining.

Portland Fish Notes.

On account of the heavy fog which hung over the harbor the first part of the forenoon, the majority of the fishing fleet turned back and did not visit the grounds Wednesday. The only arrival of any size was the schooner Eleanor, with about 13,000 pounds, the largest fare to arrive in this port for some time. There were three other arrivals, the schooner Dorcas with 2000 pounds, the sloop Bessie M. and the gas steamer Elthier, each with about 600.

Clams, along with fish, are much higher this year than they were last year. Although the quantity brought into port is not much behind the arrivals last year, still the prices have ascended about 50 cents on the barrel and 20 cents on the gallon. The past winter has been a hard one, but the average arrivals have totalled up to about the same amount brought in last year.

Although practically everyone of the fishing fleet of this port was out Thursday there was but one arrival of the larger fleet, that being the steamer Elthier with about 4000 pounds. About 10,000 pounds was taken in through the day, the small fleet bringing in small fares.

Labrador Catch Short.

Says the St. John's, N. F., Board of Trade in its annual report:

The Labrador fishery has unhappily been short. The exact shortage, however, is not known, as in spite of persistent efforts by the Assistant Collector on behalf of the Board of Trade, the reports of the vessels returning from Labrador have been most incomplete. Eight hundred and eighty-three vessels cleared for Labrador, but only 320 were reported on their return. It is therefore impossible to review this portion of our fisheries with any degree of correctness, or to say whether it has been a paying business or not. The Export from the Coast was 111,876 quintals as against 194,995 quintals the previous year. Prices obtained in the foreign markets have, so far, been much higher than last year, but as the price paid on the coast was \$4.80 against \$3.50 the previous year, it is doubtful if exporters have obtained their own money back again.

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GILL NETTERS AND TRAWLERS MAKE OPEN WAR

Nets of Former Underrun and Despoiled of Catch on Tillie's Ground—Buoys Also Cut Away On Invasion of Trawlers' Domain—Gill Netting Skippers Blame Latter and Offer Big Reward For Evidence to Convict—Further Trouble Is Feared.

Open war has been declared between the gill net fishermen and fleet of shore trawlers and for several days past, the gill netters returning to port have been bringing reports of damage and destruction, resulting from the cutting away of their buoys, markers, etc., for which they blame the trawlers.

The situation has reached a desperate stage. Incensed by the action of the gill netters in invading the grounds which until recently have been fished exclusively by the trawlers, the latter it is claimed, have taken summary means to drive the netters off or back again in shore. But the inshore fishing at present is an unprofitable vocation, many of the fleet having been obliged to abandon gill netting as a result. The larger crafts recently have been laying their gear 20 to 30 miles out, where fish have been found in better quantity and some fair hauls have been made. But the property of the gill netters has been interrupted by most apparent evidences of malicious mischief. Among the steamers who have suffered is the Nomad, commanded by Capt. Bradford Murray and owned by

Capt. George Allison of Stonington, Conn. On several occasions, markers and buoys have been cut off short and it has required much time and difficulty for the crews to recover their string of gear again.

Yesterday, steamer R. J. Killick met with a similar experience. The craft is fishing on what is known as "Tillie's" ground, about 20 miles southeast by south of Thatcher's, and when the crew bore down upon the spot where the gear had been set the previous day, they could not find it. Markers and buoys were gone and it was a case of dragging to recover the nets.

It was a long and tedious process, but by the means of anchors which were put out as a drag, the gear was finally recovered and pulled aboard. To make matters worse, it was found that not only had the nets been cut and damaged, but under-run as well, the steamer securing only 1000 pounds from her big string of gear.

The gill net fishermen are determined to protect their property and in another column of today's issue is a notice offering a reward of \$200 that will lead to the detection and conviction of the guilty ones who have been committing the destruction and damage.

LESS HERRING— MORE MONEY

The herring fishery on the Newfoundland west coast, in which a number of Canadian and American vessels were engaged, closed last week with a total catch of 65,554 barrels, realizing \$175,378, against 71,685 barrels realizing \$139,522 last year.

Lands Halibut Rare at Halifax.

A wire last evening from Capt. Archie McLeod of sch. John Hays Hammond at Halifax to Capt. Lemuel E. Spinney states that the craft had her foresail blown to pieces in one of the recent gales.

The Hammond has 15,000 pounds of halibut which she will sell at Halifax, having received an offer of 10 cents a pound. Capt. McLeod will have a new foresail made before proceeding again.

GOOD WORDS FOR HOSPITAL SHIP

The project of a hospital schooner for the New England fishing fleets is again before Congress. Bills have been introduced by Senator Lodge and Congressman Gardner for "a hospital ship under the direction of the surgeon-general of the Public Health and Marine Hospital."

The plan is to provide a ship to cruise in and about the fishing fleets from Maine to the Grand Banks, and supply medical treatment wherever needed. Hitherto many of the 6000 fishermen have lost their lives, or been permanently crippled, for want of such immediate attention. In other cases a ship has had to put back to port and the profits of her entire cruise lost, entailing some hardship not only on the injured man, but on the families of the others. Accidents on these expeditions are frequent. After every "blow" a score of fishermen are laid low with injuries which may vary from a sprained finger to a broken leg. Danger of blood poisoning is always great. Many a slight scalp wound, that a stitch in time would have remedied, has "gone septic" and caused death.

The schooner, painted white—to distinguish her from the black-hulled fishing vessels—would have a regular route. Her whereabouts at a given time would be known to all. In case of an injury on shipboard patient and doctor would be hastening toward each other. Although no definite appropriation is asked in the congressional bills, it is estimated by the Boston Chamber of Commerce, which originated the plan, that the original cost would be about \$100,000 and maintenance \$30,000 annually.

Uncle Sam annually spends great sums for the preservation of life—through life-saving stations. The hospital schooner is but an extension of the idea. France maintains such a ship for her fishermen—fewer in number and of less economic importance than our own. She has more than once rendered service to the American fishing fleet.—Boston Sunday Herald editorial.

Think Officials Are Slow.

Says the Portland Argus: General surprise and a great deal of complaint is expressed in shipping circles over the slowness of the United States Hydrographic Office in remedying the defects in the lighting and buoyage system on Nantucket Shoals, defects in which have been unusually common the present winter. Capt. Wilder of the steamer Middlesex, which arrived at Boston on Monday from Norfolk, reports that the No. 6 gas buoy in Great Round Shoal channel has been extinguished for a week, also that the gas buoy on Half Moon Shoal, Vineyard Sound, was out when he passed it before daylight Monday. The pilots on the steamer North Star, which arrived here yesterday from New York, report that the latter buoy has been out of commission for nearly a week. They also report that the combination gas buoy off Block Island, although showing yesterday morning, was so dim as to be hardly noticeable. For the safety of the numerous vessels that daily pass over the shoals it would seem that an early and general overhauling of the buoyage system is much needed.

THE DIFFERENCE "FREE FISH" MAKES

The annual report of the St. John N. F. Board of Trade says:

"A most interesting and important feature has been the increase in the catch of green fish to the United States. From figures furnished by the Board of Trade, it appears that about 100,000 quintals of green fish have been landed during the past six months against 26,000 quintals last year. The price obtained has been in the neighborhood of 3 1-2 cents per pound, that there has been realized from source no less a sum than \$300,000. Three and a quarter cents 'gross' may be said to equal \$7.50 per quintal 'dry,' so that the business is evidently a highly profitable one. There can be no doubt that there is every prospect of increasing our exports to the United States to an enormous extent. Not only is the business in itself, but it so reduces the quantity of Bank fish to be marketed in Europe, that the returns from that market should also be more remunerative."

The report says in reference to the Oporto market: "The shipments of Oporto for the past six months have been 118,465 qtls., as compared with 132,704 qtls. the previous year. It is for the fourth consecutive year showing a decrease in our shipments to that market. Up to the present no information has been received as to the result of the representations made by the Board of Trade, through His Excellency the Governor in Council, relative to the discriminatory duty against British fish, from Portugal. The difference in price about thirty-seven cents per quintal. The Council has also enlisted the aid of Boards of Trade in Canada on this matter, so that with the additional influence of the Dominion Government it is hoped that the differential may be removed."

WOULD GIVE TREATY EFFECT

Congressman Flood of Virginia, chairman of the House Committee on Foreign Affairs, Thursday introduced a bill to give effect to the provisions of the treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and Canada. The treaty was ratified so long ago that it was forgotten by many. It was made in 1908, but Congress has failed to give it effect, although at various times it has sought to do so. At one time the bill failed, because the regulations failed to seem suitable and at other time the terms of the bill favored Canada too much. Meanwhile the abuses connected with the fishery in consequence of which the treaty was made, have gone on, ruining the fishing.

Results are now hoped for, but action is much belated.

